

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are pending. Claims 1, 4, 7, and 10 have been amended by the present amendment. No new matter has been added.

The outstanding Office Action includes a rejection of Claims 1-15 under §103(a) as being unpatentable over Gorsuch et al. (U.S. Patent No. 6,388,999, hereafter “the ‘999 patent”) in view of Lodha et al. (U.S. Published Patent Application No. 2003/0223430, hereafter “the ‘430 publication”) and further in view of Benveniste (U.S. Published Patent Application No. 2002/0163933, hereafter “the ‘933 publication”).

In response to the rejection of Claims 1-15 under 35 U.S.C. §103(a), Claims 1, 4, 7, and 10 have been amended to clarify that a *connection never uses more than the allocated predetermined amount of bandwidth* and that when an owner of the connection indicates a new needed amount of bandwidth, freed bandwidth is *returned* to the owner. These amendments are supported by the original claims and the Applicants’ original specification. For example, original Claim 1 states “wherein said indicated needed amount of bandwidth does not exceed said predetermined amount of bandwidth,” which makes it clear that the allocated amount is not exceeded when used by the connection to which it was allocated. Thus, no new matter has been added.

The outstanding Office Action asserts that the ‘430 publication teaches the features of freeing allocated bandwidth as recited by Claim 1.¹ Further, the Advisory Action asserts that the limitation “wherein said indicated needed amount of bandwidth does not exceed said

¹ Outstanding Office Action, page 3, lines 11-21.

predetermined amount of bandwidth” is obvious if view of the ‘430 publication Figure 4B, step 406.²

Claims 1, 4, 7, and 10 have been amended to clarify that a *connection never uses more than the allocated predetermined amount of bandwidth*. The ‘430 publication describes how “unused allocated bandwidth” is made available to other connections, which implies that: (1) the unused allocated bandwidth is a positive quantity (otherwise it would not be useful to other connections); and (2) the used amount of bandwidth must be smaller than the allocated amount, in order to arrive at the positive quantity of unused allocated bandwidth (“unused” = “allocated” - “used” > 0). While this is an accurate deduction in the context of giving up unused allocated bandwidth, it is not correct in the context of **requesting and using bandwidth**. Independent Claims 1, 4, 7 and 10 recite the limitation *said indicated needed amount of bandwidth does not exceed said predetermined amount of bandwidth*. On the other hand, the ‘430 publication specifically teaches the opposite in Figure 2, where “Allocated Bandwidth” and “Resulting Maximum Bandwidth” is indicated for queues A1-C4. In queues A2, A3, A4, B1, B2, B3, B4, C2, C3 and C4, the “Resulting Maximum Bandwidth” exceeds the “Allocated Bandwidth.” This clearly shows that the ‘430 publication allows connections to use and request more bandwidth than has been allocated to them. Thus, the ‘430 publication fails to teach or suggest the features of amended Claims 1, 4, 7 and 10 discussed above.

In a non-limiting example, Applicants note that the effect of the claimed feature is to make it possible for the ad-hoc network to guarantee a certain quality of service that cannot be guaranteed under the ‘430 publication bandwidth allocation scheme or any bandwidth allocation taught by the ‘999 patent and/or the ‘933 publication. This is because under the ‘430 publication bandwidth allocation scheme, the **amount of used bandwidth** to guarantee

² Advisory Action of May 15, 2008, continuation sheet.

a certain quality of service is not a concern and no provision is taught to insure that the used amount of bandwidth does not exceed the predetermined allocated amount of bandwidth that has been allocated to a certain connection. Thus, under the '430 publication bandwidth allocation scheme or any bandwidth allocation taught by the '999 patent and/or the '933 publication there can be no guarantee as to the quality of service.

Furthermore, both independent Claims 1 and 7 require that when there is a new request for bandwidth by an owner of a connection, as much as is required is *immediately* returned. None of the relied upon references, including the '430 publication, teach or suggest this required **immediate** bandwidth return. Again, it is only with the claimed immediate bandwidth return that it is possible to guarantee a certain quality of service.

As none of the '999 patent and/or the '430 publication and/or the '933 publication can be reasonably said to teach or suggest the above-noted limitations of the independent claims, the rejection of independent Claims 1, 4, 7, and 10 under §103(a) as being unpatentable over the '999 patent in view of the '430 publication and further in view of the '933 publication is respectfully submitted to be untenable and the withdrawal thereof is respectfully requested.

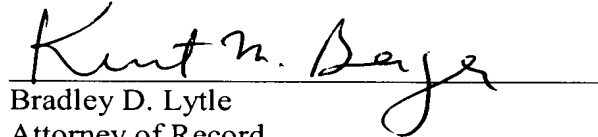
In addition, as Claims 2, 3, 6, and 13-15 all ultimately depend from parent independent Claim 1, as Claims 5 and 12 ultimately depend from parent independent Claim 4, as Claims 8 and 9 ultimately depend from parent independent Claim 7, and as Claim 11 depends from parent independent Claim 10, it is respectfully submitted that these dependent claims patentably define over the applied references for at least the reasons noted above as to their respective parent independent claims.

Accordingly, Applicants respectfully request that the rejections of Claims 1-15 under 35 U.S.C. §103(a) be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Kurt M. Berger", is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

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Kurt M. Berger, Ph.D.
Registration No. 51,461